

ESTTA Tracking number: **ESTTA318234**

Filing date: **11/23/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92047433
Party	Defendant Jay-Y Enterprise Co., Inc.
Correspondence Address	Kenneth L. Wilton SEYFARTH SHAW, LLP 2029 Century Park E Ste 3500 Los Angeles, CA 90067-3021 UNITED STATES kwilton@seyfarth.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Kenneth L. Wilton
Filer's e-mail	kwilton@seyfarth.com, kelko@seyfarth.com
Signature	/Kenneth L. Wilton/
Date	11/23/2009
Attachments	Stipulation for Continuance of Testimony Periods.pdf ( 3 pages )(134127 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

GADO S.A.R.L.,

Petitioner,

v.

JAY-Y ENTERPRISE CO., INC.,

Respondent.

Cancellation No. 92047433

**STIPULATION FOR CONTINUANCE OF RESPONDENT'S AND ALL SUBSEQUENT  
TRIAL TESTIMONY PERIODS**

WHEREAS the testimony period for Respondent Jay-Y Enterprise Co., Inc. ("Jay-Y") is scheduled to open on December 16, 2009, and to close on January 15, 2010;

WHEREAS Jay-Y has pending before the Board a motion to amend its answer and plead an additional affirmative defense of priority as well as assert counterclaims based on fraud and likelihood of confusion ("Motion to Amend"), which Petitioner Gado S.R.L.<sup>1</sup> ("Gado") has opposed;

WHEREAS the Board's decision on Jay-Y's Motion to Amend necessarily will impact the issues to be tried and therefore the evidence to be presented during Jay-Y's testimony period and any subsequent trial testimony periods; and

WHEREAS, in order to avoid unnecessary duplication of effort or reopening of testimony, both Gado and Jay-Y agree that Jay-Y's testimony period should be continued and

---

<sup>1</sup> Gado changed its corporate name from Gado S.A.R.L. to Gado S.R.L. after the initiation of this proceeding.

rescheduled to open thirty (30) days following the date of the Board's decision on Jay-Y's Motion to Amend, and that all subsequent trial testimony periods be continued accordingly.

THEREFORE, IT IS HEREBY STIPULATED, AGREED AND REQUESTED, by and between the undersigned attorneys of record for all parties that have appeared in the instant cancellation proceeding, that the Board enter an Order continuing Jay-Y's testimony period and ordering that Jay-Y's testimony period be scheduled to open thirty (30) days following the date of the Board's decision on Jay-Y's Motion to Amend, and that all subsequent trial testimony periods be continued accordingly.

IT IS FURTHER STIPULATED AND AGREED that this stipulation may be executed by facsimile and in counterpart, and that counsel for both Gado and Jay-Y may be contacted via e-mail address as reflected below.

Dated: November 20, 2009

SEYFARTH SHAW LLP



Kenneth L. Wilton (kwilton@seyfarth.com)

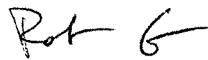
Jill A. Jacobs (jjacobs@seyfarth.com)

Attorneys for Respondent

JAY-Y ENTERPRISE CO., INC.

Dated: November 20, 2009

SATTERLEE, STEPHENS, BURKE & BURKE LLP



Mark Lerner (mlerner@ssbb.com)

Robert Carrillo (rcarrillo@ssbb.com)

Attorneys for Petitioner

GADO S.R.L.

**CERTIFICATE OF SERVICE**

I hereby certify that on November 20, 2009, I served the foregoing STIPULATION FOR CONTINUANCE OF RESPONDENT'S AND ALL SUBSEQUENT TRIAL TESTIMONY PERIODS on the Petitioner by depositing a true copy thereof in a sealed envelope, postage prepaid, in First Class U.S. mail addressed to Petitioner's counsel of record as follows:

John Clarke Holman  
Robert S. Pierce.  
JACOBSON HOLMAN, PLLC  
400 Seventh Street, N.W.  
Washington, D.C. 20004

Mark Lerner, Esq.  
Robert Carrillo, Esq.  
Satterlee Stephens Burke & Burke LLP  
230 Park Avenue, 11<sup>th</sup> Floor  
New York, NY 10169

  
\_\_\_\_\_  
Eleanor Elko